

REMARKS

Applicant requests reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Applicant requests reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 3, 11-15, and 17-21 are pending in the present application. Claims 1, 11, 17, and 21 are the independent claims.

Claims 3 and 17 have been amended. No new matter is believed to have been added.

Initially, Applicants acknowledge with appreciation the indication that claims 11-15 and 21 are allowed. By the present Amendment, Applicants have not amended any of the allowed claims. Thus, it is respectfully submitted that claims 11-15 and 21 should remain allowed.

Claims 3 and 17-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,181,652 (Katou et al.). All rejections are respectfully traversed.

However, Applicant respectfully submits that Katou et al. does not teach at least the aforementioned features of independent claims 3 and 17.

Independent claim 3 recites, inter alia, that a third rotation speed factor is decreased with increased frequency of vibration, the third rotation speed being approximately 16 times the first revolving speed when the frequency of vibration is determined to be greater than or equal to 80Hz, the third rotation speed being 20 times the first revolving speed when the frequency of vibration is determined to be greater than or equal to 40Hz and less than 80Hz, and the third rotation speed being 24 times the first revolving speed when the frequency of vibration is determined to be less than 40Hz.

Independent claim 17 recites, inter alia, that a speed for data reproduction is decreased with increased frequency of vibration, the speed for data reproduction being approximately 16 times the first revolving speed when the frequency of vibration is determined to be greater than or equal to 80Hz, the speed for data reproduction being 20 times the first revolving speed when the frequency of vibration is determined to be greater than or equal to 40Hz and less than 80Hz, and the speed for data reproduction being 24 times the first revolving speed when the frequency of vibration is determined to be less than 40Hz.

Katou et al. relates to a method and apparatus for reading CD-ROMS or the like at

matching speeds determined by disk eccentricities and teaches determining a frequency of vibration of the disk based on first and second eccentricity counts respectively taken at first and second check speeds. Katou et al. also teaches using the counts to determine track eccentricity and the difference to determine the hole eccentricity of the disk and determining a matching speed suitable for reading the disk. (Katou et al., col. 15, line 61 - col. 16, line 22) However, Katou et al. is silent as to the aforementioned features of independent claims 3 and 17.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 3 and 17 are respectfully requested.

In view of the foregoing, Applicant respectfully submits that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicant believes that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.


There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: April 27, 2005

By: 
Michael E. Kondoudis
Registration No. 42,758

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501